

THURSDAY, JANUARY 30, 1992

TENTH LEGISLATIVE DAY

FIRST EXTRAORDINARY SESSION

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by George DeRousse, First Baptist Church, Middleton, Tennessee.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniell, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Anderson; due to family/personal business.

PRESENT IN CHAMBER

Representative(s) Chiles was/were recorded as being present in the Chamber.

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MESSAGE FROM THE SENATE
January 29, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 18; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
January 29, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 1, 2, 4, 5, 6, 7, and 8; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
January 29, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 10, 11, 12, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39 and 40; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

RULES SUSPENDED

Rep. Phillips moved to suspend the rules so that the Consent Calendar set for Monday, February 3, 1992, can be acted on today and that all congratulatory and memorializing resolutions lying on the Clerk's desk be added to the Consent Calendar for today, which motion prevailed.

CONSENT CALENDAR

House Resolution No. 1 -- Memorials, Professional and Business Achievement -- Joseph Leon King II.

House Resolution No. 2 -- Memorials, Retirement -- Al Robertson.

House Joint Resolution No. 22 -- Memorials, Professional and Business Achievement -- Ralph Lindsey, "Property Assessor of the Year".

House Joint Resolution No. 23 -- Memorials, Professional and Business Achievement -- Susan Taylor Featherston, Officer of the Year, Gibson County Police Department.

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House Joint Resolution No. 24 -- Memorials, Death -- S.L. Jones of Memphis.

House Joint Resolution No. 26 -- Memorials, Sports -- Stanley Ford, 1992 Tennessee Sports Hall of Fame inductee.

House Joint Resolution No. 27 -- Memorials, Heroism -- Irish and Irish-American soldiers who fought in American Civil War.

House Joint Resolution No. 28 -- Memorials, Sports -- Ralph G. Stout, TSSAA Sports Hall of Fame. by *Bell.

House Joint Resolution No. 29 -- Memorials, Sports -- Lebanon High School football team.

Senate Joint Resolution No. 10 -- Memorials, Public Service -- William H. Hendley. by *Burks.

Senate Joint Resolution No. 11 -- Memorials, Death -- Sara Elizabeth Hendley Hale. by *Burks.

Senate Joint Resolution No. 12 -- Memorials, Death -- Glenn L. Martin, Jr. by *O'Brien.

Senate Joint Resolution No. 14 -- Memorials, Public Service -- Roy Worthington, Mayor of Manchester. by *Cooper.

Senate Joint Resolution No. 15 -- Memorials, Public Service -- Walling Fraley. by *Cooper.

Senate Joint Resolution No. 17 -- Memorials, Professional and Business Achievement -- Colonel William D. Rutley. by *Cooper.

Senate Joint Resolution No. 19 -- Memorials, Public Service -- Campbell County Rotarians, fundraising efforts. by *McNally.

Senate Joint Resolution No. 20 -- Memorials, Recognition and Thanks -- Autrey O.V. "Pete" Debusk. by *McNally.

Senate Joint Resolution No. 21 -- Memorials, Sports -- Oak Ridge High School football team. by *McNally.

Senate Joint Resolution No. 22 -- Memorials, Public Service -- David F. Hansen, Chief Administrative Officer for City of Memphis. by *Davis E, *Kyle.

Senate Joint Resolution No. 23 -- Memorials, Public Service -- Charles E. Smith, Director of Fire Services for City of Memphis. by *Davis E, *Kyle.

Senate Joint Resolution No. 24 -- Memorials, Public Service -- Lewis S. Fort, Director of General Services for City of Memphis. by *Davis E, *Kyle.

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Senate Joint Resolution No. 25 -- Memorials, Public Service --
James F. Collins, City Engineer for City of Memphis. by *Davis E,
*Kyle.

Senate Joint Resolution No. 26 -- Memorials, Public Service --
Benny O. Lendermon III, Director of Public Works for City of
Memphis. by *Davis E, *Kyle.

Senate Joint Resolution No. 27 -- Memorials, Public Service --
Rick Masson, Director of Finance and Administration for City of
Memphis. by *Davis E, *Kyle.

Senate Joint Resolution No. 28 -- Memorials, Public Service --
Melvin T. Burgess, Director of Police for City of Memphis. by
*Davis E, *Kyle.

Senate Joint Resolution No. 29 -- Memorials, Public Service --
Osbie L. Howard, Jr., Treasurer for City of Memphis. by *Davis E,
*Kyle. by *Bell.

Senate Joint Resolution No. 30 -- Memorials, Public Service --
Robert C. Lipscomb, Director of Housing and Community Development
for City of Memphis. by *Davis E, *Kyle.

Senate Joint Resolution No. 31 -- Memorials, Public Service --
Monice Regina Moore Hagler, City Attorney for City of Memphis. by
*Davis E, *Kyle.

Senate Joint Resolution No. 32 -- Memorials, Public Service --
Willie W. Herenton, Mayor of Memphis. by *Davis E, *Kyle.

Senate Joint Resolution No. 39 -- Memorials, Public Service --
Melvin T. Burgess, Sr., Director of Police Services for City of
Memphis. by *Ford.

Senate Joint Resolution No. 40 -- Memorials, Public Service --
Jack M. Bell, Jr. by *Ford.

Pursuant to Rule No. 50, Rep. Phillips moved that all House
Bills having companion Senate Bills on the Clerk's desk be conformed
and substituted for the appropriate House Bill, that all Senate and
House Bills on the Consent Calendar be passed on third and final
consideration, all House Resolutions and House Joint Resolutions be
adopted, and all Senate Joint Resolutions on the Consent Calendar be
concurred in, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Armstrong, Arriola,
Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark,
Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson,
Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer,
Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman,

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Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

RESOLUTIONS LYING OVER

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 38 out of order, which motion prevailed.

Senate Joint Resolution No. 38 -- General Assembly, Adjournment, Recess -- Adjourns, sine die, the First Extraordinary Session of 97th General Assembly, at close of business on Thursday, January 30, 1992; convenes 1992 Regular Session of 97th General Assembly, at 12:00 Noon (CST), Tuesday, February 4, 1992. by *Burks.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Purcell, the resolution was concurred in by the following vote:

Ayes.	87
Noes.	5

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Coffey, Hill, Jones R (Shelby), McKee, Venable -- 5.

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A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Joint Resolution No. 38 and have this statement entered in the Journal.

Rep. John Bragg

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

***House Bill No. 39 -- Taxes, Sales -- Passed second consideration and held on Clerk's desk.**

House Bill No. 40 -- Sports -- Passed second consideration and held on Clerk's desk.

House Bill No. 41 -- Taxes, Tobacco, Tobacco Products -- Passed second consideration and held on Clerk's desk.

House Bill No. 42 -- Taxes, Privilege -- Passed second consideration and held on Clerk's desk.

House Bill No. 43 -- Education -- Passed second consideration and held on Clerk's desk.

House Bill No. 44 -- School Transportation -- Passed second consideration and held on Clerk's desk.

APPOINTMENT OF SELECT COMMITTEES

Representative Purcell moved that a committee be appointed by the Speaker to notify the Governor that the House has completed its business and is ready to adjourn sine die, which motion prevailed.

The Speaker announced that he had appointed the following committee to notify the Senate: Representatives Purcell, Chair; DeBerry, Ridgeway, Bell, Crain and Pinion.

Representative Purcell moved that a committee be appointed by the Speaker to notify the Senate that the House has completed its business and is ready to adjourn sine die, which motion prevailed.

The Speaker announced that he had appointed the following committee to notify the Governor: Representatives Chiles, Chair; Duer, Hubbard, Davis (Cocke) and Bittle.

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MOTION TO RECESS

The Speaker announced that the House stand in recess.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh and the roll call was dispensed with.

REPORT OF SELECT COMMITTEE

MR. SPEAKER: Your Select Committee to notify the Governor that the House has completed its business and is ready to adjourn sine die, respectfully reports that the Governor has been so notified.

Rep. DeBerry

REPORT OF SELECT COMMITTEE

MR. SPEAKER: Your Select Committee to notify the Senate that the House has completed its business and is ready to adjourn sine die, respectfully reports that the Senate has been so notified.

Rep. Chiles, Chair.

REPORT OF SELECT COMMITTEE

Sen. Jordan notified House that the Senate had completed its business and is ready to adjourn sine die.

MESSAGE FROM THE SENATE
January 30, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 34, 35 and 36; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolutions Nos. 34, 35 and 36 out of order, which motion prevailed.

Senate Joint Resolution No. 34 -- Memorials, Personal Occasion
-- Birth of Charles Max Rubenstein. by *Person.

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Senate Joint Resolution No. 35 -- Memorials, Public Service -- Joe Sweeney, Mayor of Brentwood. by *Jordan.

Senate Joint Resolution No. 36 -- Memorials, Congratulations -- Eagleville High School, "Tennessee School of the Year". by *Womack.

On motion, the rules were suspended for the immediate concurrence in the resolutions.

On motion of Rep. Purcell, the resolutions were concurred in.

A motion to reconsider was tabled.

ANNOUNCEMENT

Rep. Purcell announced that Rule No. 81(1), relative to the time for placing bills on notice in Committee, would be suspended, so that members who wish to place regular session bills on notice in committee may do so.

MESSAGE FROM THE SENATE January 30, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 17; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS January 30, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 17; also, House Resolution(s) No(s). 1 and 2; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED January 30, 1992

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 17; also, House Resolution(s) No(s). 1 and 2.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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**REPORT OF CHIEF ENGROSSING CLERK
January 30, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 18; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
January 30, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 22, 23, 24, 26, 27, 28, 29; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 30, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 29; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 29 -- Education -- Establishes 1990-1991 school year as base for maintenance of local financial support for education. Amends TCA 49-2-203, 49-3-314. by *Burks, *Jordan.

**MESSAGE FROM THE SENATE
January 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 22, 23, 24, 26, 27, 28 and 29; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
January 30, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,

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16, 19, 20 and 30; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**MESSAGE FROM THE SENATE
January 30, 1992**

MR. SPEAKER: I am directed by the Senate to notify the House that the Senate has completed its business and is ready to adjourn sine die in accordance with Senate Joint Resolution No. 38.

**CLYDE W. McCULLOUGH, JR.
Chief Clerk.**

**ENROLLED BILLS
January 30, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared: House Joint Resolution(s) No(s). 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 22, 23, 24, 26, 27, 28, 29 and 30; and find same correctly enrolled and ready for the signatures of the Speakers.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

**SIGNED
January 30, 1992**

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 22, 23, 24, 26, 27, 28, 29 and 30.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

**SIGNED
January 30, 1992**

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 1, 2, 4, 5, 6, 7, and 8.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Armstrong, Arriola, Bell,

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Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

JOURNAL APPROVED

On motion of Rep. Purcell, the Journal of the House of Representatives and the proceedings thereof were approved from the First through the Tenth Legislative Day of the First Extraordinary of the Ninety-Seventh General.

SINE DIE ADJOURNMENT

Thereupon, in accordance with Senate Joint Resolution No. 38, Mr. Speaker Naifeh declared the House of Representatives of the Ninety-Seventh General Assembly First Extraordinary Session adjourned, sine die.

Jimmy Naifeh, Speaker,
House of Representatives.

ATTEST:

Larry Cole, Chief Clerk,
House of Representatives.

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**BILLS AND RESOLUTIONS ENROLLED, SIGNED AND TRANSMITTED
TO THE GOVERNOR SUBSEQUENT TO ADJOURNMENT**

Appendix of House Bills and Resolutions presented to the Speaker of the House of Representatives and the Speaker of the Senate for their signatures; and appendix of House Bills and House Joint Resolutions presented to the Governor, with his action, as recorded in the Office of the Secretary of State.

**MESSAGE FROM THE SENATE
February 4, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 24, 26, 27, 28, 29 and 30; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
February 4, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 10, 11, 12, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 38, 39 and 40; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
February 4, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 24, 26, 27, 28, 29 and 30; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
February 4, 1992**

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 10, 11, 12, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 38, 39 and 40.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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MESSAGE FROM THE GOVERNOR
February 5, 1992

MR. SPEAKER: I am directed by the Governor to return herewith:
House Joint Resolution No. 28; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
February 10, 1992

MR. SPEAKER: I am directed by the Governor to return herewith:
House Joint Resolution No. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 27, 29 and 30; with his
approval.

DAVID H. WELLES,
Counsel to the Governor.

